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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

TONY KLEIN,

Defendant.

Case No. 3:22-cr-00084-SI

DECLARATION OF ELLEANOR CHIN IN
SUPPORT OF MOTION FOR PROTECTIVE
ORDER AND TO MODIFY SUBPOENA

I, Elleanor Chin, declare:

1. I am a Senior Assistant Attorney General in the Trial Division of the Oregon Department of Justice and the attorney for the Oregon Department of Corrections and the Oregon State Board of Nursing in connection with OSBN and ODOC's responses to subpoenas issued to them by the Defendant in this matter.

2. Attached as Exhibit 1 hereto is a form of proposed protective order.

3. Attached as Exhibit 2 hereto is a true and correct copy of Defendant's subpoena to the Oregon Department of Corrections, together with the email transmitting it from Defendant's litigation team to ODOC on March 20, 2023.

4. Attached as Exhibit 3 hereto is a redacted copy of Defendant's subpoena to the Oregon State Board of Nursing. The subpoena identifies by name and license numbers two licensees, neither of whom is the defendant, which are redacted in this Exhibit.

5. I spoke by telephone with Defendant's counsel Matthew McHenry and Amanda Thibault on Friday March 24, 2023. I requested they agree to an extension of time to respond of at least thirty days due to volume and complexity of the records and information at issue in the subpoena. Mr. McHenry refused to agree to any extension, stating as a basis for the refusal the Court's recent denial of Defendant's motion to continue the July trial date in this matter.

6. Attached as Exhibit 4 hereto is a true and correct copy of correspondence to Defendants' counsel dated March 28, 2023, transmitted by email at approximately 3:30 p.m., addressing the scope of Defendant's subpoenas, confidentiality issues raised by the subpoenas, and providing a copy of the proposed protective order.

7. Defendant, by email from Mr. McHenry on March 29, 2023, consented to the entry of the proposed form of protective order, with minor typographical corrections, but did not otherwise address the concerns raised in the letter.

8. On March 28, 2023 I also provided by email a copy of the proposed protective order to the trial counsel for the United States, Cameron Bell and Assistant United States Attorney Gavin Bruce, who responded stating the United States takes no position on the protective order.

9. Between June 2019 and May 2020 ODOC, represented by other attorneys in the Trial Division, produced thousands of pages of documents and electronic media to the United States in response to subpoenas, including but not limited to records pertaining to adults in custody of ODOC, records pertaining to Defendant, including complaints and grievances regarding his conduct, Prison

Rape Elimination Act investigations, and extensive records from civil litigation involving ODOC pertaining to Defendant's conduct.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on March 30, 2023.

s/ Elleanor H. Chin
ELLEANOR CHIN